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Mr A Baron
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Date: 19 November 1997

Dear Mr Baron

Thank you for your letter of 22 September to the Home Secretary. I have been asked to reply.

The commencement of the consultation process on the draft intrusive surveillance code of practice was widely publicised. The draft was distributed widely to interested parties and to those who requested a copy; over six hundred were sent out. The comments received, including those from Mr Goodman, will be carefully considered when drafting the final version of the code, which will be laid before Parliament.

Chief officer authorisation of intrusive surveillance operations have been strictly controlled under administrative guidelines, and is only given in investigations involving serious crime and where alternative methods were not feasible. Senior police officers have taken their responsibilities in this matter very seriously, are fully accountable for their decisions and only authorise intrusion into a person's privacy or home as a last resort.

Part III of the Police Act 1997 now puts these operations on a statutory basis and achieves an important balance by ensuring full accountability for decision making and providing a number of safeguards including independent oversight by a Commissioner, who will be a serving or former High Court judge, whilst ensuring the police and customs are properly equipped to tackle organised and serious crime.

Your letter also raises the question of entrapment. You may be interested to see the enclosed circular issued to Chief Constables in 1969, which explains that no member of a police force should counsel, incite or procure the commission of a crime. Operational matters are the responsibility of chief officers. Any complaints about the behaviour or conduct of the police in any particular case should, in the first instance, be reported to the Chief Constable of the force concerned. I enclose a leaflet on the PCA which you may find of interest. I would also advise that the courts have powers to exclude evidence which they believe has been unfairly or improperly obtained.

On the question of rape, a balance obviously needs to be struck between the interests of the

defendant and the interests of the victim. The Government's Manifesto included a commitment to provide greater protection for victims in rape and serious sexual offence trials and for those subject to intimidation. In June, the Home Secretary announced that he had established an interdepartmental review to identify measures to improve the way victims and vulnerable witnesses are treated in the criminal justice system and to help them to give best evidence. This review is wide-ranging and will cover procedures relating to the investigation stage through to the trial itself.

However, any measures introduced to provide witnesses with greater protection and help them to tell their story will be used only in the context of a fair trial for the defendant who is, after all, presumed to be innocent unless proven guilty in a court of law and who has the right to have the evidence against him tested. It would not be right to convict someone of a crime they did not commit, just as it would not be just for the guilty to be acquitted.

Yours sincerely



Alan Robinson